

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2005/001835

International filing date (day/month/year)  
22.02.2005

Priority date (day/month/year)  
23.02.2004

International Patent Classification (IPC) or both national classification and IPC  
B65H29/40, B65H29/06

Applicant  
EASTMAN KODAK COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
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**Box No. IV Lack of unity of invention**

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1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ not paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
  - ☐ the parts relating to claims Nos.

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	8-15,17
	No: Claims	1-7,16
Inventive step (IS)	Yes: Claims	8-15
	No: Claims	1-7,16,17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VI Certain documents cited**

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1. Certain published documents (Rules 43*bis*.1 and 70.10)  
and / or
2. Non-written disclosures (Rules 43*bis*.1 and 70.9)  
**see form 210**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

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**1. References**

1.1 Reference is made to the following documents cited in the international search report:

D1: EP-A-0 867 394

D2: US-A-4 431 177

D3: GB-A-1 448 091

D4: WO 2005/019077 A

**RE Item VI**

1.2 Document D4 represents prior art according to Rule 64.3 PCT and consequently is not considered part of the prior art for the purpose of assessing novelty and inventive step in the framework of the Patent Cooperation Treaty (PCT).

D4 was published on 03.03.2005, filed on 20.08.2004, claiming priority of 22.08.2003 (Rule 70.10 PCT).

**RE Item VIII**

**2. Clarity**

Claims 14 and 15 do not appear to be clear according to Art. 6 PCT, as the reference to previous claims(s) does not appear to be correct. Regarding claim 14, there is no overlap element yet defined in claim 5 and regarding claim 15, there is no second sheet transport element yet defined in claim 1.

**RE Item V**

**3. Independent Claim 1**

3.1 Based on the documents mentioned in the search report, the subject-matter of claim 1 does not appear to be new according to Article 33(1) and (2) PCT.

3.2 Document D1, Figs. 2-8, col. 12, li. 48 - col. 13, li. 13 appears to disclose all the features of claim 1.

3.3 Moreover, document D3, p. 2, li. 39-86, Figs. equally appears to disclose all the features of claim 1.

**4. Dependent Claims**

At least dependent claims 2-7, 16 and 17 do not appear to contain any features which,

in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:

claims 2-7:	D1, Figs. 2-8, col. 9, li. 38-57
claim 16:	D1, Fig. 2, refs. 211, 212, col 6, li 56- col. 7, li. 6
claim 17:	D2, Figs. 2-4, ref. 47, col. 7, li. 10-28

#### **RE Item VII**

##### **5. Formal/Further Objections**

- 5.1 Although claim 1 is drafted in the two-part form the features are incorrectly placed in the characterising portion, as they are disclosed in document D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT).
- 5.2 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 5.3 Document D1, which is considered to be the most relevant prior art document, is not identified in the description and its relevant contents is not indicated as required by Rule 5.1(a)(ii) PCT.

#### **RE Item IV**

##### **5.4 Unity**

At least claims 8, 16 and 17 and claims 10 to 15 when dependent on claim 8 do not appear to share a general inventive concept with the other claims. Claims 1-7 and 9 are directed to solving the problem of positioning the uppermost sheet of a stack in alignment with the front stop. Claims 8 and 10 to 15 when dependent on claim 8 are directed to gripping the front edge of a sheet and guiding it when transported on a curved path. Claim 16 is directed to guiding the trailing end of the sheet when transported on a curved path and claim 17 is directed to lateral alignment of the stack.

As the uniting technical features in the form of the features or claim 1 do not contribute over the prior art in the form of D1 resp. D3 (see paragraph 3) and the features of the above mentioned claims try to solve different problems (see above), the application lacks unity according to Rule 13.1 PCT in combination with Rule 13.2 PCT and PCT Guidelines 10.08 a posteriori.

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